

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EDEN FOODS, INC.,

Plaintiff,

v.

EDEN HOLISTICS, LLC,

Defendant.

Case No.: 2:24-cv-01574-GMN-NJK

**Order**

(Docket Nos. 13, 14)

On October 24, 2024, Richard Fried filed, *pro se* on behalf of Defendant Eden Holistics, LLC, what appears to be an answer to Plaintiff's complaint. Docket No. 12. Plaintiff filed a motion to strike this answer, as corporations must be represented by licensed counsel. Docket No. 13. Plaintiff also filed a motion to extend the time to conduct a conference under Fed.R.Civ.P. 26(f) until after the issue of Defendant's appearance in this Court has been resolved. Docket No. 14. No response has been filed. *See* Docket.

The failure to respond to a motion constitutes "a consent to the granting of the motion." LR 7-2(d). While the Court could grant Plaintiff's motions on this basis alone, the Court instead turns to the merits of the motions.

"A corporation may appear in federal court only through licensed counsel." *United States v. High Country Broadcasting Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993). *See also Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel"). Here, Mr. Fried specifically states that he is appearing *pro se* on behalf of Defendant. Docket No. 12 at 1. Therefore, Defendant is in violation of the law requiring a corporation to appear through licensed counsel.

1 Accordingly, for the reasons stated above,

2 IT IS ORDERED that Plaintiff's motion to strike is **GRANTED**. Docket No. 13. The  
3 answer to Plaintiff's complaint is **STRICKEN**. Defendant must retain licensed counsel to  
4 represent it in this case and said counsel must enter an appearance on the Docket no later than  
5 **November 22, 2024**. Defendant must file its responsive pleading, through licensed counsel, to  
6 Plaintiff's complaint no later than **December 23, 2024**.

7 IT IS FURTHER ORDERED that Plaintiff's motion to extend time is **GRANTED**. Docket  
8 No. 14. The parties must conduct their Rule 26(f) conference no later than 30 days after licensed  
9 counsel appears on behalf of Defendant.

10 IT IS FURTHER ORDERED that the failure of an appearance of licensed counsel on  
11 behalf of Defendant may result in sanctions.

12 IT IS SO ORDERED.

13 DATED: October 30, 2024.

14  
15   
16 NANCY J. KOPPE  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28